



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/669,877 | 09/27/2000 | Randell L. Mills | 62-231-1EL | 4531 |
| 20736 | 7590 | 04/11/2006 | EXAMINER | |
| MANELLI DENISON & SELTER 2000 M STREET NW SUITE 700 WASHINGTON, DC 20036-3307 | | | KALAFUT, STEPHEN J | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1745 | |
| DATE MAILED: 04/11/2006 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|---|---------------------------------------|--|--|
| Advisory Action Before the Filing of an Appeal Brief | Application No. 09/669,877 | Applicant(s) MILLS, RANDELL L. | |
| | Examiner Stephen J. Kalafut | Art Unit 1745 | |

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 27 March 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☒ The Notice of Appeal was filed on 27 March 2006. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: _____.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See body of action.
 12. ☒ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). 27 March 2006
 13. ☐ Other: _____.

Art Unit: 1745

Applicant's arguments filed 27 March 2006 have been fully considered but they are not persuasive.

Regarding the numbered attachments submitted with the IDS of 27 March 2006, only attachments 113 and 114 have not been previously considered. Both of these postulate hydrino formation as an explanation for phenomena such as Balmer line broadening, which can be explained alternatively, as already pointed out in previous office actions, such as the Final Rejection of 22 April 2004.

Many of the arguments refer to matters that are irrelevant to determining patentability of the present invention, or state that the Office or the so-called "Secret Committee" has ignored applicant's alleged evidence. While the Office has not been persuaded, for reasons stated in previous office actions, a refusal to be persuaded is not constitute an act of ignoring something.

However, although not germane determining patentability, applicant's arguments concerning alleged improper contact with Dr. Robert Park are hereby addressed. Applicant argues that attachments A through R, cited in the IDS of 22 October 2004, relate to issues involving the improper examination of this application and the defective nature of the rejections issued in this case. None of these attachments contain data relating to the scientific merits of the present invention. Applicant has argued that Dr. Robert Park, has allegedly had contact with a "Deep Throat" in the Office, and has had "direct involvement in Blacklight's patent affairs", "Blacklight" being the name of applicant's business. While applicant argues that "the PTO rationalized its withdrawal of Blacklight's five allowed patent applications, in part, by citing a January 12, 2000 article written by Dr. Robert Park", citing a published article hardly constitutes contact with the author. The reference to the present applicant in the article does not mean that

Art Unit: 1745

Dr. Park had obtained confidential information from the Office, because applicant published an edition of his book, *The Grand Unified Theory Of Classical Quantum Mechanics*, in January 2000. While applicant argues that Dr. Park knew about several of applicant's applications, the knowledge of which "is supposedly kept confidential", the Washington Post article by Dr. Park which refers to applicant's patent and a second application set to issue two weeks thereafter was published on 18 August 2000, which was three days after the publication of the U. S. District Court decision (part of Attachment K) which referred in which these applications were mentioned (page 1 thereof). Thus, both articles written by Dr. Park appear to be based on information that was already public at the two respective times that the articles were published. No "Deep Throat" or other improper contact would have been necessary.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen J. Kalafut whose telephone number is 571-272-1286. The examiner can normally be reached on Mon-Fri 8:00 am-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick J. Ryan can be reached on 571-272-1292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1745

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

sjk

A handwritten signature in dark ink, appearing to read 'SK', followed by a long horizontal line extending to the right.

STEPHEN KALAFATIS
PRIMARY EXAMINER
GROUP 1700